

REMARKS

Claims 1-11 and 15-29 are pending in this application. The specification, Fig. 1, and claims 10, 11, and 16-20 are being amended, as shown above. Changes made to the specification, Fig. 1, and the claims are shown on separate pages provided at the end of this response and labeled Appendix A. Corrections to the specification include grammatical and typographical corrections as well as corrected references to Figs. 2A, 2B, and 2C as suggested by the examiner.

Applicant respectfully requests entry of the amendments, reconsideration of claims 1-11 and 15-20 and consideration of claims 21-29.

Status of the Drawings

Formal drawings for Figures 1, 2A, 2B, 2C, and 3 are included with this response, as requested by the examiner. Figure 1 is amended to include a reference number referred to in the text.

The Rejections

A. 112 and 101 rejections

Claims 10-11, 16-17 and 19-20 have been amended to place them in a proper format as suggested by the examiner. The applicant believes that these amendments are sufficient to overcome the 112 and 101 rejections made by the examiner. Amended Claim 18 is in a proper format by virtue of amendments to claim 17.

B. 103 rejections

The Examiner rejects Claims 1-20 under 35 U.S.C. 103(a) as being unpatentable over Dworkin (4,992,940) in view of Bosco (5,191,522)

Independent Claim 1

The system taught in Dworkin is substantially different from that claimed in the current patent application and thus Dworkin is not applicable as a basis for a 103(a)

rejection as suggested by the examiner. For example, among other aspects, the “plurality of networked computers,” “Activity Processor,” “Activity Scheduler,” “means for predefining,” and “menu drive means for defining a product in response to selections made by a user,” recited in Claim 1 are not taught in Dworkin, nor taught in the combination of Dworkin and Bosco.

The “plurality of networked computers” of Claim 1 are not “a network of terminals connected to a central computer” included in the centralized computer architecture of Dworkin, (Dworkin: col. 1 lines 63-68 and Fig. 1). For example, the networked computers of Claim 1 are configured to perform processing tasks (discussed further herein). Conversely, the terminals of Dworkin are configured for “manually entering in data,” (col. 4, lines 3-12; col. 2, lines 6-18; and Fig. 1) for processing by the central computer. Further supporting this distinction, “networked computers” includes both a plurality of computers capable of independent processing and that these computers be interconnected by a computer network. See, for example, page 5 line 25 of the specification which describes one embodiment including a “local area network...providing distributed processing”. A centralized architecture, such as the terminal-mainframe system of Dworkin, does not teach either a plurality of computers capable of independent processing or that these computers be interconnected by a computer network. Dworkin, thus, does not teach the “plurality of networked computers” of Claim 1.

The “at least one of said computers comprising an Activity Processor;” specified in Claim 1 is also not taught in Dworkin. While Dworkin describes a mainframe computer capable of processing, the “Activity Processor” of this claim element is specified as being “one of said computers,” that is one of the “networked computers.” As discussed above, the “networked computers” are not taught in Dworkin. Also, the “Activity Processor” of Claim 1 is configured to process activities responsive to an “Activity Scheduler”, page 13, lines 24-26. As specified in Claim 1 (lines 23-25), processing responsive to the “Activity scheduler” includes “first types of entered data ... to be processed by said activity processor in real time and that selected second types of said entered data are to be queued for processing at another time.” In Dworkin, the applicant finds no teaching of an “Activity Processor” having any, much less all, of the

above attributes (being one of “networked computers,” being responsive to an “Activity Scheduler” or being configured to process data at different times).

The “at least one of said computers comprising an Activity Scheduler,” specified in Claim 1 is similarly not taught in Dworkin. As specified elsewhere in Claim 1 (lines 23-25), the “Activity Scheduler” is used in “predefining...relative to said entered data that selected first types of entered data are to be processed by said activity processor in real time and that selected second types of said entered data are to be queued for processing at another time.” These aspects of the “Activity Scheduler” are further described in the specification. See, for example, page 13, lines 24-26 which states that the Activity Scheduler “schedules ... activities to be processed by a workstation (activity processor).” In Dworkin, the applicant finds no teaching of an “Activity Scheduler” configured to schedule activities to be processed by an “Activity Processor,” much less an “Activity Scheduler configured for predefining data in relation to processing time.

In addition to the Activity Scheduler discussed above, Claim 1 specifies “means for predefining via said activity scheduler relative to said entered data that selected first types of entered data are to be processed by said activity processor in real time and that selected second types of said entered data are to be queued for processing at another time.” These “means for predefining” are also not taught in Dworkin. While the examiner, on page 8 of her office action, suggests that this claim element is obvious under the combination of Dworkin and Bosco, applicant is not able to find any specific support for this position. Means for predefining data by type, using an activity scheduler, for processing at different times, is not taught in Dworkin or Bosco. Furthermore, as described above, *neither* the “Activity Scheduler” of the claimed invention *nor* processing data at different times is taught.

Claim 1 of the current application further recites “menu driven means for defining a product in response to selections made by a user.” This is a means, “for example, to define a new insurance product,” page 9, lines 16-18. In contrast, Dworkin includes “An automated system [which] assists a user in locating and purchasing goods or services sold by a plurality of vendors. ... For each product or service, ...[a] data base contains information about a large number of different products and/or services, arranged in various categories. For each product or service, the data base contains information on

price, vendor, specifications and/or availability,” (Abstract). Dworkin describes its data base as “containing information about products and services and the vendors who supply them” col. 3, line 65. Thus, the products or services of Dworkin are necessarily predefined with regard to vendor, price and/or specifications, etc. The “main function of the [Dworkin’s] system... is, to search the database for information on particular products or services” (col. 4, line 50). Thus, the information characterizing the products of Dworkin exists prior to the search. The applicant finds no teaching that the “search” of Dworkin can be used to define *new* products. Stated differently, the applicant understands the operations of “defining a product” to be substantially different than the operations of searching for an existing product. As such, the process of “defining a product” is not taught in Dworkin.

Bosco similarly fails to teach aspects of the claimed invention, including those discussed above. For example, rather than “at least one of said [networked] computers comprising an activity scheduler” as recited in Claim 1, the system of Basco “contains a plurality of stored program-controlled application work-station sub-systems” (col. 3, lines 32). Data access, and thus, allowed activity of each work-station is determined by a data structure included in a centralized database. There appears to be no teaching in Bosco of a “activity scheduler.”

In fact, the workstations of Bosco are further described as “typically dumb terminals or personal computers which are networked to the mainframe and minicomputers of the integrated system” (col. 22, lines 60-63). In addition to accessing the central database, operation of the workstations is taught to include “computing functions such as, spread-sheets, word processing, calendar, diary, electronic mail, graphics, outside computer “dial up” service, etc.” (col. 23, lines 15-17). In contrast with elements of Claim 1, these are independent functions performed under local control without direction of an activity scheduler. In addition, none of these operations include processing insurance industry functions on the networked computers as indicated in claims of the present invention. Bosco does not teach distributed processing of insurance data. Likewise, Bosco does not teach an “activity processor,” or “activity scheduler” as claimed in the current invention.

The examiner admits that the combination of “Dworkin and Bosco fail to expressly disclose a means for pre-defining certain types of data for either immediate or subsequent processing.” The examiner states that “serving users efficiently” is obvious. While serving users efficiently may be a common goal, the applicant is not clear how this bears on the issue of whether the claimed “means for pre-defining certain types of data for either immediate or subsequent processing” is obvious under 103(a). This element does not appear to be taught in the cited prior art and a common goal is not sufficient grounds for the demonstration of obviousness.

Bosco further fails to teach “menu driven means for defining a product in response to menu selections made by a user” as cited in Claim 1. This element, therefore, does not appear to be taught in either Dworkin or Bosco.

While the examiner points out that Dworkin suggests use of his system with other “categories of goods or services” (col. 5, line 29) and “for other types of products or services” (col. 10, line 24), no motivation is provided for modifying his system to add the elements discussed above. In fact, Dworkin specifically teaches that “a similar procedure is used for other types of products or services,” (col. 10, line 24). This teaches away from using alternative systems or procedures for insurance products – such as the systems and procedures of the claimed invention. The deficiencies of Dworkin are not only a result of the chosen field of application. They include system elements whose absence is unrelated to the specific application.

In regard to Claim 2, the examiner suggests similarities between Dworkin’s “templates” and the “means for generating a series of questions to the user” as specified in the claim. However, Dworkin’s templates are “used by the system to limit the search for products” (col. 5 line 45). In contrast, the questionnaires of the claimed invention are used, in part, to “define a ... product” (page 9 line 18). Further, the applicant is not clear as to how the portion of Dworkin cited by the examiner (col. 5, line 55 to col. 6, line 68) teaches “means for modifying the operation of said system to globally conform to the answers to said questions” as recited in Claim 2. The functions of Dworkin’s templates are distinguishable from the functions characterizing the recited means of Claim 2. The

applicant is unclear as to how their dissimilar functions can be inferred to imply similar structures.

In Regard to Claims 3-7, the examiner points to the application specific divisions of Bosco (e.g. sales, underwriting, administrating, etc.) and compares these with Claim 3 which cites “means defining four levels, said levels comprising: a database level; a company level; a product line level; and a product level...” The examiner states that “Bosco’s enterprise-wide data base is divided into four basic functions or levels: sales, underwriting, administration, and actuarial and includes data relating to producers, clients, cases, product, competitors, and claims... Thus, the information contained in Bosco’s enterprise-wide data base encompasses the limitations claimed in claims 3-7 (Bosco; columns 4-19).” However, it is not clear to the applicant how the data/information listed above constitutes, without further support, “means for” accomplishing any task, much less the task of “defining four levels” as specified in the claim.

The levels claimed in the current invention are further distinguished from the application specific divisions of Bosco when considering Claims 4-7, each of which further characterizes individual elements of Claim 3. For example, Claim 5 characterizes “said company level” as “compris[ing] all data relating to a single corporate entity.” It is not clear to the applicant how any of the application specific divisions of Bosco could fit this characterization or the other characterizations of Claims 4, 6 and 7.

The examiner points out that “one of Bosco’s objectives within his invention is to modify and integrate insurance product and insurance administration quickly and efficiently.” However, it is not clear to the applicant how this objective provides prior art *form or function* as required by section 103(a) to form the basis of an obviousness objection.

In regard to Claim 8, the examiner cites Dworkin, which teaches a method of searching for pre-existing products, as prior art. As discussed above with regard to Claim 1, the current invention includes a means for defining a product based on user input, and is thus a significantly different apparatus than the searching system taught by Dworkin.

Claim 8 specifically refers to “questions...for defining” and “products to be defined.” Claim 8 also specifically refers to “answers to define said products.” These are not taught by Dworkin or Bosco.

Claim 8 further includes “deeming at least one of said computers an activity scheduler” and “processing said data” that use structure (e.g., an activity processor and activity scheduler) that is not taught by Dworkin or Bosco. The lack of these and other elements in the cited art are discussed above with respect to Claim 1.

In regard to Claim 9, the arguments directed toward the Examiner’s rejection of Claim 1 are similarly applicable. In addition, Claim 9 recites “means for providing a retrievable audit history.” Since this history encompasses processes executed on a “plurality of networked computers,” and thus may include distributed events, the process is significantly different than generating an audit history of transactions on “a single relational database” (col. 2, line 31) as taught in Bosco.

In regard Claim 16, the Examiner rejects this claim for the same reasons as Claim 1. The issues pointed out by the applicant regarding Claim 1 are, therefore, similarly applicable and the applicant submits that the rejection is improper on similar grounds. Furthermore, amended Claim 16 includes “a means for comparing the user input against existing data entries” and “means for real time updating of said existing data entries based on said user inputs.” While Dworkin teaches searching for pre-existing products using a user input, it does not teach “updating of said existing data ... based on said user inputs” as recited in Claim 16.

In regards to the examiner’s rejection of Claims 17-19, the above discussion regarding Claims 1-16 are similarly applicable. In addition, amended Claim 17 further specifies that each computer of a plurality of networked computers includes “input means for inputting data, data storage means for storing data, display means for displaying any of said data, manual entry means for defining administrative functions of said organization, means for real time performance of a plurality of functions relevant to said administrative functions of said organization, and data receiving and verifying means for

receiving and verifying data from any of said computers against said manual entry means and said at least one file server against said defined administrative function.” These attributes are not found in the terminals of Dworkin or taught in the system of Bosco. The combination of these two prior art references does not, therefore, meet the requirements of a proper 103(a) rejection.

In regard to Claims 10-15, 18 and 20, the Examiner relies on the arguments directed to Claims 1, 9 and 16 as a basis for rejection. The applicant’s comments with regard to these claims, therefore, similarly apply to Claims 10-15, 18 and 20. In addition, amended Claim 20 recites “means for menu-driven creation of user-defined parameters for selected administrative functions.” This claim element is not included in Claims 1, 9 or 16 as suggested by the examiner. In addition, the examiner implies that distributed data entry terminals include “distributed performance of data reconciliation functions throughout said plurality of interconnected computers” as specified in Claim 20. The applicant points out that this property is not taught in the cited prior art. In view of the above points, the applicant requests that the examiner withdraw the rejection.

In view of the above remarks, the applicant believes that this application is in condition for allowance, and the Examiner is respectfully requested to allow this application. The Examiner is invited to call Applicants' representative at the number below if she has any questions or if there are remaining outstanding issues.

Respectfully submitted,

Gerald Peters et al.

Date: April 4, 2003



Steven M. Colby, Ph.D. Reg. No. 50,250
Carr & Ferrell *LLP*
2225 East Bayshore Road, Suite 200
Palo Alto, CA 94303
Phone (650) 812-3400
Fax (650) 812-3444

Appendix A
Version showing amendments

In the Specification

A. On page 15 line 17:

A2

As shown in Fig. 3 of the drawings, the functions enumerated above (when used as opposed to when being set up or profiled) are interconnected by the system and are sequential. Specifically, any inquiry concerning policies will cause the system to present, as one of the options, information on a particular agent or agents. Once the agent is identified, in the example shown, an inquiry concerning filing an application may be made. Thus, the option of an Application Data (#2) is selected. The option as to what Coverages are desired (#4) is then selected. The system will then ask the user whether this is an exchange or replacement for an existing policy. The Requirements #6 of the policy will then be examined and, once selected, will be Time Stamped and appropriate Tax Data will be sent to the appropriate state regulatory body. Under communications, (#3), once the application is entered, communications including Notes will be sent to the appropriate People and the appropriate Type of Communication will be sent (memo, letter, bill etc). Again, under Coverages (#4), once the appropriate coverage is selected, the Agent Maintenance function will determine the appropriate agent hierarchy and compensation for the agent(s) and how it is to be paid. Again, the Application Data (#2) is evaluated and sent to Billing Control. If cash is sent with the application to cover the entire cost, then obviously no bill is required. If any additional coverage ~~date-data~~ is required, that will be entered. If there any policy errors, those will be corrected and, if money is to go to a particular fund, that information will be entered. The appropriate data is then sent to the People function (#5). The People function (#5) receives information, as seen in the left hand column, from insured data. Under the People function, the appropriate addresses and names of the people who need to receive information on this policy are entered and the information is Time Stamped so that if changes are made later, then can be audited. The program and processing functions have been separated into ten logical groups which are displayed as menu items when first entering the system. These include policy administration, agent maintenance, reports, product files, document

A2
Control

control, financial systems, activity processor, processor, database displays and the general information. When entering any menu item, subsequent subsystem and program menus are displayed which allow easy access to any desired function. Windows are inherent in the system and are easily displayed using function keys. Each database file has one or more access codes. Each menu has a two digit code associated with it (and displayed on screen when the menu is accessed), and each access code consists of a concatenation of the two digit codes of the menus passed through to access the database file. A concatenation of the two digit codes of the menus passed through on the way to an intermediate displayed menu appears on screen at the intermediate displayed menu. Each access code provides a pre-sorted index to values in the file. This feature allows the user to easily access data and insures that response time will be consistent regardless of the file size. This feature also allows the user to easily describe to someone else what menu he or she is at and how he or she got to that menu.

B. On page 8 line 14:

A3

While the invention is susceptible of embodiment in many different forms, there ~~is~~ are shown the drawings and will herein be described in detail several specific embodiments with the understanding that the invention is not limited thereto except insofar as those who have the disclosure before them are able to make modifications and variations therein without departing from the scope of the invention.

C. On page 9 line 19:

A4

This profiling is performed through menu selections which are illustrated in Fig. ~~2Figs. 2A, 2B and 2C~~. Each horizontal row in Fig. ~~2Figs. 2A, 2B and 2C~~ represents a menu "level". Any particular block, or menu selection, illustrated in Fig. ~~2Figs. 2A, 2B and 2C~~ can be reached by making an appropriate selection from a connected block at a higher level or horizontal row.

D. On page 14 line 27:

A5

The system has been developed using a relatively new, powerful, commercially available development tool called MAGIC/PC™, which interfaces with data written into btreive™

A5
Cont'd

files (btrove™ is another commercially available product). Various menus described above and illustrated in Figs. 2A, 2B and 2C Fig. 2, were invented using MAGIC/PC™ and those menus cannot be altered by the user of the system.

E. On page 15 line 9:

A6

The information for these functions is stored in data files 24. A data receiving and verifying mechanism 26 which is built into the system, receives and verifies the data from each of the personal computers and the file server. In other words, the data receiving and verifying system checks the information received to insure that it corresponds in format and does not conflict with the existing data. Following such verification, the system utilized the information received to perform the function shown in Fig. 2 Figs. 2A, 2B and 2C. After performing these functions the current data relative to each of the functions is updated. A series of data files, which in a preferred embodiment now exceed three hundred files, store data characterizing each of the functions.

In the Claims

- A7
10. (Amended Once) A ~~system and method for~~ the real time administration of an organization using a plurality of networked computers comprising ~~the acts of:~~
- simultaneously monitoring the input of data on discrete computers within said plurality of networked computers;
 - comparing said data input ~~of data~~ to existing entries on said plurality of networked computers;
 - determining if said data input matches preexisting data on said networked computers;
 - updating said preexisting data throughout said network;
 - entering menu driven parameters to define a product on said plurality of networked computers;
 - entering optional parameters for delayed updating of said data; and

prioritizing said updating of said data based on said optional parameters.

- A7
Cont'd
11. (Amended Once) A network computer-based system and method ~~for~~ of the ~~administration~~ administering of an organization affecting the acts of comprising:
entering discrete product definitions using questions in a menu-based architecture;
defining a product in response to ~~answers to said questions in said menu-based~~
~~architectures~~ said definitions;
monitoring user input on ~~said computers of said a computer network computer-~~
~~based system~~;
comparing said user input against existing data entries stored in said computer
~~network computer-based system~~;
prioritizing updating of said existing data entries; and
updating said existing data entries on said computer network ~~computer-based~~
~~system to reflect said user input, on basis of using said prioritization.~~

- A8
16. (Amended Once) A system and method ~~for the~~ for ~~administration~~ administering of
an organization, using a plurality of networked computers comprising:
means for continuously monitoring user inputs;
means for storing said user input;
means for comparing said user input against existing data entries; and
means for real time updating of said existing data entries based on said
user inputs.

17. (Amended Once) A system and method ~~for the~~ for ~~administration of~~ administering an
organization ~~for use on a network of interconnected computers comprising~~:

a plurality of networked computers including at least one computer comprising an activity processor, at least one of said computers comprising an activity scheduler; at least one computer comprising a file server; where each computers has;

input means for inputting data;

data storage means for storing data;

display means for displaying ~~any of~~ said data;

manual entry means for defining administrative functions of said organization;

means for real time performance of a plurality of functions relevant to said administrative functions of said organization, and

data receiving and verifying means for receiving and verifying data from any of said computers against said manual entry means and said at least one file server against said defined administrative function;

means responsive to said entered data and received data for real time updating of said data relative to ~~any of~~ said defined administrative functions when desired;

means for predefining via said activity scheduler relative to said entered data that selected first types of entered data are to be processed by said activity processor in real time and that selected second types of said entered data are to be queued for processing at another time;

A8
Cont'd

menu driven means for defining a product in response to menu selections made by
a user; and

menu driven means for receiving a request into said network by displaying via
said display means screens, that vary depending upon said request.

18. (Amended Once) The system of Claim 16-17 and further comprising means for
generating a series of questions to the user; and means for modifying the
operation of said system to globally conform to the answers to said questions.

19. (Amended Once) The system of Claim 17 and further comprising means defining
four levels, said levels comprising a database level, a company level, a product
line level and a product level, each said level comprising a series of parameters
~~which may be selectively configured to be~~ modified by the user, said system
including means for real-time modification of said parameters at the command of
the user and means responsive to said real time modification means for real time
modification of said levels independently or collectively as required.

20. (Amended Once) A system ~~and method~~ for the administration of an organization
comprising:

a plurality of interconnected computers, the plurality of interconnected computers

including input means, display means and storage means;

means for menu-driven creation of user-defined parameters for selected
administrative functions;

means for ~~the~~ distributed performance of said administrative functions responsive
to said user-defined parameters ~~defined by said user~~;

means for ~~the~~ distributed availability of ~~said~~ data throughout said plurality of

networked computers;

means for ~~the~~ distributed performance of data reconciliation functions throughout

said plurality of interconnected computers; said reconciliation functions

including monitoring entry of said data, verification of said data and

integration of said data throughout said plurality of interconnected

computers; and

means for maintaining integrity of said data through an integrated, distributed

auditing function.

As
could